IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1172 OF 2007
IN
CRIMINAL APPEAL NO. 974 OF 2007.

Ismail Ibrahim Sayyed @ Babajan Kasam..... .....Applicant.
(Orig.Accd.No.4)

V/s

The State of Maharashtra ... .Respondent.

Mr.Amin Solkar, Adv. For the Applicant.

Mr.A.S.Shitole, APP Adv. For the respondent.

CORAM: A.P.DESHPANDE, J.
27/11/07

PC:

The present applicant-original accused No.4 is seeking bail on the ground of parity with other accused who have been released on bail and who are similarly situated with the present applicant. Perused the order passed by the learned Single Judge of this Court dated 3.10.07. The main reason for releasing the accused No.3 is that the accused was in custody as an under trial prisoner for a period of 6 ½ years. The applicant was arrested on 28.7.2000 along with the co-accused and the case being CR No.463/00 was registered. The applicant was granted bail as late as on 12.9.06 by which time as an under trial prisoner the applicant-accused was in custody for six years and three months. The applicant was released on bail on 12.10.06 and after conviction on 6.2.07 was

taken in custody and has been in custody for 10 months. Thus the total period of applicant in custody is seven years and one month. If this be the position, the present applicant is entitled to be released on bail by treating him on par with accused No.3 and in view of the observations made by the learned Single Judge in the order dated 3.10.07. Hence I direct that the applicant be released on bail on the same terms and conditions on which he was released during the trial on executing fresh bail bonds subject to a further condition that the applicant shall not leave territorial jurisdiction of Mumbai without prior permission of Oshiwara Police Station in writing. Application stands disposed of accordingly.

27.11.07